

OFFICE OF THE ATTORNEY GENERAL

86-00166



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STATE OF ALABAMA

MAR 3 1986

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Honorable Lemois E. Miller
Probate Judge
Marshall County
Guntersville, Alabama 35976

Boards of Education -
Superintendents of Education -
Elections - Officers and
Offices

Act No. 85-988 cannot be construed as to setting out residency requirements for candidates of the Superintendent of Education and Board of Education of Marshall County.

Pursuant to Code of Alabama 1975, Section 16-9-2(b) a county superintendent of education does not have to be a resident of the county in which he serves.

Dear Judge Miller:

Reference is made to your request for the opinion of the Attorney General regarding Act No. 85-988 of the 1985 Second Special Session of the Legislature. You specifically asked:

"Does this Act permit only those persons who reside 'in the jurisdiction of the Marshall County School District' to be a candidate for county superintendent and/or member of the county board of education?"

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Act No. 85-988 states in pertinent part:

Section 1. The Marshall County superintendent of education and the members of the county board of education shall be elected by only those electors residing in the jurisdiction of the Marshall County school district.

This Act does not speak to the qualifications or residency requirements for candidates for the Superintendent of Education or members of the County Board of Education of Marshall County. It only prescribes those individuals who may vote for these officers. In construing statutes, one must look at the plain language used and may not stray into mazes of conjecture or search for an imaginary purpose in the statute. Brundidge Milling Company v. State, 45 Ala.App. 208, 228 So.2d 475 (1969); State v. International Minerals and Chemical Corp., 381 So.2d 60 (Ala.Civ.App. 1979).


Therefore, Act No. 85-988 cannot be construed as to setting out residency requirements for candidates of the Superintendent of Education and Board of Education of Marshall County.

However, it must be noted that Code of Alabama 1975, Section 16-9-2(b) states that a county superintendent of education, whether elected or appointed, is not required to be an elector or resident of the county in which he is to serve. This provision in a general law cannot be circumvented by a local law.

If our office can be of assistance, please do not hesitate to contact us.

Sincerely,

CHARLES A. GRADDICK
Attorney General
By:


LYNDA K. OSWALD
Assistant Attorney General

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